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March 18, 2020

Via Electronic Filing

The Honorable Magistrate Judge Steven Tiscione
U.S. District Court Eastern District of New York
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Chincha v. Patel*
Case No.: 1:17-cv-06127-ILG-ST

Dear Honorable Judge Tiscione:

This law firm represents Defendant Manojkumar Patel (the “**Defendant**”) in the above-referenced action.

Pursuant to Your Honor’s Individual Motion Practice Rules III(A), and pursuant to Local Civil Rules 37.3, this letter respectfully serves as a request to compel Plaintiff to appear for his deposition on any date and time set by Your Honor on or before the March 31, 2020 discovery deadline [Dckt. No. 49], or, in the alternative, this letter respectfully serves as a request to: (i) extend the fact discovery deadline of March 31, 2020 to, through and including, April 30, 2020.

On March 11, 2020, the undersigned emailed Plaintiff’s counsel to schedule his client’s attendance for a deposition on March 18, 2020. The undersigned emailed Plaintiff’s counsel again on March 16, 2020 and advised him that our law office could accommodate any date & time prior to the March 31, 2020 discovery deadline, and respectfully asked Plaintiff’s counsel to confirm a date at his convenience. As of the date of this letter, Plaintiff’s counsel has not provided his client’s availability.

Accordingly, this letter respectfully serves as a request to compel Plaintiff to appear for his deposition on any date and time set by Your Honor on or before the March 31, 2020 discovery deadline [Dckt. No. 49].

The undersigned certifies that he has made a good faith effort, pursuant to Local Civil Rule 26.4 and FRCP 37(a)(1), to resolve the instant dispute, by contacting Plaintiff’s via multiple emails.

In the alternative, this letter respectfully serves as a request to extend: (i) the fact discovery deadline of March 31, 2020 to, through and including, April 30, 2020 and: (ii) the dispositive motion deadline of April 20, 2020 to, through and including, June 30, 2020. This is the seventh request for an extension of time.

We regret having to burden the Court with a request for scheduling accommodation during these extraordinary times. Needless to say, the COVID-19 pandemic has complicated the parties’ ability to complete depositions on or before March 31, 2020. The President of the United States has declared a national emergency, the Governor of New York has banned large gatherings, and

the Centers for Disease Control and Prevention and other public health authorities have advised taking precautions to reduce the possibility of exposure to the virus. *In re Coronavirus/COVID-19 Pandemic* [M10-468, 20-MISC-00155].

Thus, should Your Honor not be inclined to compel Plaintiff to appear for his deposition on or before March 31, 2020, Defendant respectfully requests that: (i) the fact discovery deadline of March 31, 2020 to, through and including, April 30, 2020 and: (ii) the dispositive motion deadline of April 20, 2020 to, through and including, June 30, 2020.

Thank you, in advance, for your time and attention.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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Cc: All Parties via ECF